

### **REMARKS**

Claims 12-28 are pending. No new matter has been added by way of the present submission. For instance, claims 1-11 have been cancelled. Claims 12 and 16 have been placed into independent format. The dependency of claim 17 has been altered. Further, new claims 18-24 are added. New claims 18-20 are supported by claims 3 and 10 as originally filed. New claims 21 and 22 are supported by the present specification at page 8, lines 9-12. New claims 23-25 are supported by claims 12 and 16 as pending. Lastly, new claims 26-28 are supported by claim 12 as pending. Thus, no new matter has been added.

In view of the following remarks, the Examiner is respectfully requested to withdraw all rejections and allow the currently pending claims.

#### **Issues under 35 U.S.C. § 102(b)**

The Examiner has rejected claims 1-17 under 35 U.S.C. § 102(b) as being anticipated by Swartz et al., U.S. Patent No. 6,048,563 (hereinafter Swartz '563).

Further, the Examiner has rejected claims 1-4, 9-13, 16 and 17 under 35 U.S.C. § 102(b) as being anticipated by JP 6-225734-A (hereinafter JP '734).

Applicants respectfully traverse each of the above rejections.

As a preliminary matter, Applicants point out that claims 1-11 are cancelled, thus, the rejections with respect to these claims are moot. The remaining claims are addressed below.

#### **The Present Invention**

There are currently two pending independent claims, both of which relate to methods of preventing, ameliorating or treating a patient suffering from a bowel disease (claim 12) or

specifically irritable bowel syndrome (claim 16). These recited diseases are prevented, ameliorated or treated by administering a composition comprising galactomannan and/or arabinogalactan to the patients.

Further, Applicants draw the Examiner's attention to three particular embodiments of the present invention. As will be seen, these three embodiments differ slightly with respect to the administered ingredients and diseases.

A First Embodiment is encompassed by original claims 1-4 as well as pending claims 12, 13, 18, 21, 23 and 26-28. The test data in Test Examples 1-1 to 1-3 and Figs. 1-3 correspond to this First Embodiment. In fact, the test data demonstrates superior results with respect to the present invention. For instance, as to the First Embodiment, the test data demonstrates that galactomannan and arabinogalactan not only show histologically ameliorative actions for inflammatory bowel diseases, but also have suppressing actions on inflammation, lowering actions on the MPO activity and the TNF- $\alpha$  activity which can serve as diagnostic markers in the inflammatory bowel diseases. Moreover, amelioration in clinical symptoms and endoscopic findings of the inflammatory bowel disease was found to be ameliorated by intake of galactomannan or arabinogalactan.

A Second Embodiment is encompassed by original claims 5-8 as well as pending claims 14, 15, 19, 22 and 24. The test data in Test Examples 2-1 to 2-4 correspond to this Second Embodiment. Again, the test data demonstrates superior results with respect to the present invention. For instance, with respect to the Second Embodiment, a review of the results of Tables 6, 8, 10 and 12 reveals that the liquid foods of Examples 2-1 to 2-4 exhibit excellent effects for patients with ulcerative colitis, Crohn's disease, and bowel Behçet disease. In

contrast, the liquid foods of Comparative Examples 2-1, 2-3, 2-4, 2-6 and 2-8 are found to show slight efficacy for patients with ulcerative colitis, Crohn's disease, and bowel Behçet disease, and the liquid foods of Comparative Examples 2-2, 2-5, 2-7, and 2-9 are not found to show any efficacy for any one of the patients.

A Third Embodiment is encompassed by original claims 9-11 as well as pending claims 16, 20 and 25. The test data in Test Examples 3-1 to 3-4 correspond to this Third Embodiment. Again, the test data demonstrates superior results with respect to the present invention. For instance, with respect to the Third Embodiment, the results in Tables 13-16 clearly demonstrate the amelioration of irritable bowel syndrome (diarrhea type, constipation type, alternation type, see Tables 13-15, respectively) and cramps in the lower abdomen was achieved through administration of the present composition.

#### Distinctions Between the Present Invention and the Cited Art

Applicants submit that although Swartz '563 and JP '734 disclose compositions containing galactomannan, neither suggest or disclose that such compositions should be administered to patients suffering from a bowel disease. The Examiner's attention is particularly directed to the requirement in the claims that the composition be administered "to a patient suffering from said bowel disease" (claim 12) or "to a patient suffering from said irritable bowel syndrome" (claim 16).

Therefore, although the Examiner has argued that administration of these compositions would inherently prevent a bowel disease, there is no indication in either reference that such a composition would be effective in doing so. Therefore, there would be no reason to specifically

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administer the composition to a particular person, for instance, a patient suffering from a bowel disease.

Indeed, the particular effects of the present invention as discussed above, are completely absent from the cited references. Therefore, there being no reason to target particular patients, the presently claimed methods cannot be said to be inherent.

In view of the above, Applicants submit that the presently pending claims are in condition for allowance. The Examiner is therefore requested to withdraw all rejections and allow the currently pending claims.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Craig A. McRobbie (Reg. No. 42,874) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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